

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/28/2010
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marilyn Bloch
plaintiff

10 Civ. 63 (16) ()

(In the space above enter the full name(s) of the plaintiff(s).)

**AMENDED
COMPLAINT**

-against-

Andrew Brestone
Defendant

Jury Trial: ☒ Yes ☐ No
 (check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Marilyn Bloch
 Street Address Bbx 222 7958 Pines Boulevard
 County, City Pembroke Pines, Florida 33024, Broward
 State & Zip Code Florida
 Telephone Number 954-732-1397

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

RECEIVED
 CIVIL PRO SE OFFICE
 09/28/2010 P 12:03

Defendant No. 1 Name Andrew Bluestone, Esq.
 Street Address 233 Broadway, Suite 2702
 County, City New York, New York
 State & Zip Code New York 10079
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☒ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Did not fairly or properly

represent me. I had to go to Fedra
hearing by myself.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship Marilyn Blech, Florida resident

Defendant(s) state(s) of citizenship Andrew Bluestone, a
New York resident.

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? Please see enclosed emails of Mr. Bluestone who took my case but did not settle it as promised.
- B. What date and approximate time did the events giving rise to your claim(s) occur? In the year of 2009 between May, 2008 and May, 2009
- C. Facts: Mr. Bluestone wrote me emails saying he would take a case for me if I paid him 20% retainer. For a whole year he strong me along did not answer my phone calls or messages, or letters causing me emotional distress, requiring me to seek help from a doctor. (See enclosed report) I had a policy of \$100,000 and it was all tied up due to Mr. Bluestone, which I told Mr. Gerdis orally at that time. He bragged he knew the defendant and was settling my case for me. Bluestone made promises he did not do + I could not call him.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. See enclosed medical report of Dr. Gerdis from this emotional distress of Mr. Bluestone. You put faith in your attorney who strings you along for a year promising things. Also, plaintiff went to local Henderson Clinic as well for psychiatric distress by Mr. Bluestone.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Therefore, plaintiff Marilyn Bloch asks for \$2,000,000 (two million) dollars for loss of her assets as seen in the enclosed contract with CPL. Mr. Bluestone never did anything with FINRA and plaintiff did poorly at a hearing to terminate this contract.

It was one-sided, broker quit right after it was written and she received a \$8000 fee commission for writing contract with plaintiff which Bluestone promised to assist plaintiff with. See enclosed letter from Bar Association on Mr. Bluestone.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of September, 2010.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Marilyn Bloch
7958 Pines Blvd.
No. 22
Pembroke Pines, Fla. 33024
954-732-1397.

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____

7/7/2010

Re: Re:

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

Tue, January 12, 2010 4:37:47 PM

i have not heard from mr. furan since you left your message to me in december. marilyn bloch

On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

>I was unable to speak with dukete and left message

>-----Original Message-----

>From: Marilyn Bloch

>To: Andrew Bluestone

>Subject: Re: Re:

>Sent: Dec 1, 2009 9:20 AM

>

>you said you would call furman on monday but you never told me the results of your call. marilyn bloch

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>Andrew Lavcott Bluestone wrote:

>> They did not answer phone calls today. I'll try again on Monday

>> ----- Original Message -----

>> From: "Marilyn Bloch" <marilynbloch195039@yahoo.com>

>> To: <alb@bluestonelawfirm.com>

>> Sent: Wednesday, November 25, 2009 4:45 PM

>> Subject: Re:

>>> i guess there is no use calling you anymore and that 7500 is final offer.

>>> marilyn bloch

>>>

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>>>> From: Marilyn Bloch

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>>>> Subject:

>>>> Sent: Nov 25, 2009 3:47 PM

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>>>> you have any news let me know. marilyn bloch

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>>>> Sent from my Verizon Wireless BlackBerry

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>Sent from my Verizon Wireless BlackBerry

Hi, Marilyn | Available | Sign Out | Yahoo! | My Yahoo! | Search | Web Search

Check Mail | New | alb@bluestonelaw. Go | What's New | Inbox 680 emails | Search: "alb@bluestone" | Mobile | Options | Help

alb@bluestonelaw. Go | Delete | Reply | Forward | Spam | Move | Actions | Show: All Emails | Narrow Results

Click for your Credit Score 90

Inbox (61)
 Drafts (62)
 Sent
 Spam (502) Empty
 Trash Empty
 Contacts Add
 0 online
 Folders Add

Applications
 Attach Large Files
 Automatic Organizer
 Calendar
 Edit Photos
 Evite
 Flickr
 My Drive

14 emails were found matching your search

From	Subject	Date	Location
<p><marilynblotch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...</p> <p>Marilyn Bloch FW: Re: Re: Tue, 12/1/09 9:23 AM Sent</p> <p>... do so. m. bloch ----- Original Message ----- Subject: Re: Re: Date: Wed, 25 Nov 2009 21:57:55 From: Andrew Lavcott Bluestone <alb@bluestonelawfirm.com> To: Marilyn Bloch <marilynblotch195039@yahoo.com> They did not answer phone calls today. I'll try again on Monday ----- Original ...</p> <p>alb@bluestonelawfirm.com Re: Re: Tue, 12/1/09 9:34 AM Inbox</p> <p>... today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynblotch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is ...</p> <p>Marilyn Bloch Re: Re: Wed, 12/2/09 4:02 PM Sent</p> <p>i received your message and any thing you could do to settle this case would be greatly appreciated. thank you. marilyn bloch alb@bluestonelawfirm.com wrote: I was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew ...</p> <p>Marilyn Bloch Re: Re: Tue 1/12, 4:37 PM Sent</p> <p>i have not heard from mr. furman since you left your message to me in december. marilyn bloch On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote: I was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone ...</p> <p>Marilyn Bloch Re: Re: Wed 1/13, 10:09 AM Sent</p> <p>... anything you could do with furman would e greatly appreciated towards my expensive tuition. m. bloch On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote: i was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone ...</p> <p>Marilyn Bloch Re: Re: Tue 1/26, 4:14 PM Sent</p> <p>... mr. furman i have not heard from ms. dukete on my settlement in knemer case. marilyn bloch On Tue Dec 1st ...</p>			

TODAY: 7:7

Sender
 Marilyn Bloch 11
 alb@bluestonelaw... 2
 Andrew Lavcott Bl... 1

Folder
 Sent 11
 Inbox 3

Date
 2010 3
 2009 11

Message Status
 Unflagged 14
 Read 14

Wed, November 25, 2009 3:39:11 PM

[No Subject]

From: Marilyn Bloch <marilynblloch195039@yahoo.com> View Contact
To: "alb@bluestonelawservice.com" <alb@bluestonelawservice.com>

you said to call you about furman, komfeld and brennan but i never heard from you. marilyn bloch



Amanda C. Hawley
Senior Vice President
Associate Counsel

One Beacon Street, 22nd Floor
Boston, MA 02108-3106
amanda.hawley@lpl.com
617 897 4715 office
800 775 4575 ext. 4715
617 426 8589 fax

May 15, 2008

Via Facsimile and Federal Express

Joan M. Pendergast, Case Administrator
FINRA Dispute Resolution, Inc.
Boca Center Tower 1
5200 Town Center Circle, Suite 200
Boca Raton, FL 33486-1015

RE: FINRA Dispute Resolution Arbitration Case No. 07-03387
Marilyn Bloch v. Distinctive Financial, Teresa DiLorenzo, LPL
Financial Services, Linsco/Private Ledger Corp., et al.

Dear Ms. Pendergast:

Reference is made to the Order of the Panel in the above-referenced matter, which was issued on May 13, 2008, following the Initial Pre-Hearing Conference call that was held on May 8, 2008, beginning at 10:00 a.m.

This submission will serve as a Motion for Reconsideration by the Respondents, LPL Financial Corp. and Teresa DiLorenzo, with respect to the Panel's assessment of all of the costs associated with the Initial Pre-Hearing Conference against these Respondents, (as named, Distinctive Financial, Teresa DiLorenzo, LPL Financial Services, and Linsco/Private Ledger Corp.), on account of my "failing to participate in the conference as scheduled."

As reasons therefor, I respectfully submit the following:

- I appropriately had the conference call placed in my calendar, reflecting the accurate date/time of the call, May 8, 2008 at 10:00 a.m.
- Unfortunately, due to an unavoidable delay and circumstance, I was not at my desk at the time the conference call coordinator called my direct line in order to connect me to the call. Furthermore, without the benefit of having an administrative assistant at the time, there was no person available to advise the conference call coordinator that I would be joining shortly. Therefore, the conference call coordinator left a voice mail message, with the dial-in instructions for me to join the conference.

Fri, November 20, 2009 2:15:23 PM

alb@bluestonelawservice.com

From: Marilyn Bloch <marilynbloch195039@yahoo.com> [View Contact](#)
To: "gorettizilli@maryknoll.org" <gorettizilli@maryknoll.org>

i am willing to engage your services in the matter of bloch vs. koemer. marilynbloch195039@yahoo.com

DEPARTMENTAL DISCIPLINARY COMMITTEE

SUPREME COURT, APPELLATE DIVISION

FIRST JUDICIAL DEPARTMENT

61 BROADWAY

NEW YORK, NEW YORK 10006

(212) 401-0800

FAX: (212) 287-1045 (NOT FOR SERVICE OF PAPERS)

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EILEEN J. SHIELDS
SCOTT D. SMITH
STAFF COUNSEL

September 10, 2010

PERSONAL AND CONFIDENTIAL

Marilyn Bloch
7958 Pines Boulevard
#222
Pembroke Pines, FL 33024

Re: Matter of Andrew L. Bluestone, Esq.

Docket No. 2010.2259

Dear Ms. Bloch:

This office has received your complaint regarding the above-named attorney.

It is the function of this Committee to conduct investigations in order to determine whether or not attorneys have engaged in conduct which warrants professional discipline. Please be advised that we cannot take action to compel the return of money in any dispute, nor are we permitted to give legal advice.

A copy of your complaint will be sent to the above-named attorney. When we receive a written answer, it will be forwarded to you for written comments. We regret that we cannot provide detailed status reports during this investigation. You will, of course, be notified of the Committee's final disposition of this matter.

Correspondence and inquiries concerning this matter should be addressed to the undersigned. Please be sure to include the Committee's docket number on your correspondence.

Very truly yours,

Rebecca N. T...

Legal Assistant

AWF:adp/P: RVT

Enc.

PAR11

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COMMITTEE MEMBERS

[No Subject]

Fri, November 20, 2009 12:15:13 PM

From: Marilyn Bloch <marilynblloch195039@yahoo.com> [View Contact](#)
To: "alba@bluestonelawservices.com" <alba@bluestonelawservices.com>

i am agreeable to having you settle my case with blocg vs. koernrr. thank you for your efforts for me in this matter. marilyn bloch195039@yahoo.com

Re: Re:

From: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.co Add to Contacts
To: Marilyn Bloch <marilynblloch195039@yahoo.com>

Tue, December 1, 2009 9:34:23 AM

I was unable to speak with dukete and left message
-----Original Message-----

From: Marilyn Bloch
To: Andrew Bluestone
Subject: Re: Re:
Sent: Dec 1, 2009 9:20 AM

you said you would call furman on monday, but you never told me the results of your call. marilyn bloch

Andrew Lavcott Bluestone wrote:

> They did not answer phone calls today. I'll try again on Monday
> -----Original Message-----

> From: "Marilyn Bloch" <marilynblloch195039@yahoo.com>
> To: <alb@bluestonelawfirm.com>

> Sent: Wednesday, November 25, 2009 4:45 PM

> Subject: Re:

>> i guess there is no use calling you anymore and that 7500 is final offer.
>> marilyn bloch

>> alb@bluestonelawfirm.com wrote:

>>> No news

>>> -----Original Message-----

>>> From: Marilyn Bloch

>>> To: Andrew Bluestone

>>> Subject:

>>> Sent: Nov 25, 2009 3:47 PM

>>> you said to get in touch with you regarding furman, komfeld, brennan. if
>>> you have any news let me know. marilyn bloch

>>> Sent from my Verizon Wireless BlackBerry

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Sent from my Verizon Wireless BlackBerry

Wed, December 2, 2009 4:02:02 PM

Re: Re:

From: Marilyn Bloch <marilynblloch195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

i received your message and any thing you could do to settle this case would be greatly appreciated. thank you. marilyn bloch

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Tue, January 12, 2010 4:37:47 PM

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>Sent from my Verizon Wireless BlackBerry

[No Subject]

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

Wed, November 25, 2009 3:47:49 PM

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To: alb@bluestonelawfirm.com

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>

>Andrew Lavooft Bluestone wrote:

>> They did not answer phone calls today. I'll try again on Monday

>> ----- Original Message -----

>> From: "Marilyn Bloch" <marilynbloch195039@yahoo.com>

>> To: <alb@bluestonelawfirm.com>

>> Sent: Wednesday, November 25, 2009 4:45 PM

>> Subject: Re:

>>>i guess there is no use calling you anymore and that 7500 is final offer.

>>>marilyn bloch

>>>

>>> alb@bluestonelawfirm.com wrote:

>>>> No news

>>>> -----Original Message-----

>>>> From: Marilyn Bloch

>>>> To: Andrew Bluestone

>>>> Subject:

>>>> Sent: Nov 25, 2009 3:47 PM

>>>> you said to get in touch with you regarding furman, kornfeld, brennan. if

>>>> you have any news let me know. marilyn bloch

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>>>> Sent from my Verizon Wireless BlackBerry

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Of Interest to You

You can access important contract information, including your current account balance and interest rate, by registering for our Internet Service Center at www.LFG.com. Registered users can also view or print statements and confirmations from our web site.

Notifications

- This confirmation is prepared by The Lincoln National Life Insurance Company or one of its Life Insurance company affiliates pursuant to its agreement with the principal underwriter of the insurance securities described herein, for the benefit of the selling broker dealer.
- Notify Lincoln promptly if information contained in this document is not accurate. Please feel free to re-confirm any oral communication in writing to further protect your rights.
- The term "Interest Adjustment" may be referred to as "Market Value Adjustment" in the contract.



Financial Group®

PO Box 2348
Fort Wayne IN 46801-2348

*Annuity
Confirmation*

1/11/08

#BWMNGYCG
001561 21101202
MARILYN BLOCH
14545 MILITARY TRL STES
DELRAY BEACH FL 33484-3781

Owner: Marilyn Bloch
Annuitant: Marilyn Bloch
Assurance (L Share) : 92-4144877
Contract effective date: 12/18/06
Plan type: Non-Qualified

Representative: Todd G. Pollock
Broker/Dealer: A G EDWARDS & SONS INC

If you have questions regarding this statement, please call Lincoln Life at 888-868-2583.

MS*21101202 001561 01 000000 V1XLMWZ

Activity

Date Type of activity

Unit value Number of units

Amount

1/11/08 Transfer

\$ 1,832.75

From:

DCA Guarantee

To:

AF Growth

AF Int'l

FT Grwth Sec

LVIP Del Bond

LVIP Wlsh Mo P

LVIP Wlsh MAGP

17.783042

15.4591

274.91

22.756151

8.0536

183.27

16.495637

11.1108

183.28

10.632927

17.2370

183.28

12.017980

68.6255

824.74

12.354438

14.8343

183.27

The funds transfer service feature will end with your next scheduled transfer.

Value Summary

Unit value Number of units

Amount

AF Growth

17.783042

92.7211

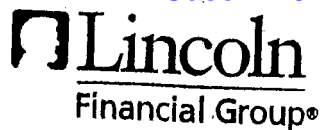
1,648.86

AF Int'l

22.756151

50.8557

1,157.30



Portfolio Rebalancing Elec

Servicing Office – PO Box 7871
Fort Wayne IN 46801-7871
Fax Number 260 455-9427
www.LFG.com

Overnight Address: Lincoln Financial
Financial – IA
1300 S Clinton St
Fort Wayne IN 46802-3506

Contract Information

Contract number

NEW CONTRACT

Contract owner's name

MARILYN BLOCH

Telephone number

(511) 305-0386

Representative's name

TERESA A D'LORENZO

Telephone number (561) 288-0649

Important Information

Things to consider when choosing portfolio rebalancing:

- Portfolio rebalancing is not available to those currently participating in:
 - Cross-Reinvestment.
 - Dollar Cost Averaging.
- The minimum amount that can be transferred is \$50.
- Transfers will occur on the first through the 28th day of the month. If no date is selected, the transfer will occur on the 15th day of the month.
- The portfolio rebalancing program will continue until you authorize the Company to terminate the program. You may establish, change or terminate portfolio rebalancing by:
 - Selecting the appropriate box in the Program Options section, and returning the completed form to the Company
 - Sending the Company a written notice signed by the contract owner or,
 - Calling the Company at 888 868-2583, if telephone authorization has been established on your account.

Program Options

Select one contract option:

- ☒ Start new program Start date (month/day/year) _____ (If no start date is selected, the start date will be the 15th of the month.)

☐ Change existing program

☐ End existing program

Select frequency of rebalancing: (If no frequency is selected, the frequency will be quarterly.)

☐ Monthly

☐ Quarterly

☒ Semi-annually

☐ Annually

Note: Withdrawals, contributions, and manual transfers will not discontinue this service feature or change allocation percentages.

Rebalancing and Subaccount Allocation Information

Portfolio rebalancing allows the contract owner to establish an asset allocation mix. On a periodic basis automatic rebalancing restores the funds selected on this form to their original asset allocation percentages.

Rebalance the:

☒ Entire contract value*

☐ Specific funds

Date	Type of activity	Unit value	Number of units	Amount
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****This transaction occurred due to your termination of the iALIFE® Advantage with Guaranteed Income Benefit, which provides an automatic step-up feature. The fund unit values no longer reflect the cost of the benefit.**

Value Summary		Unit value	Number of units	Amount
	AC Infltn Prot	10.505999	490.7177	5,155.48
	AF Growth	18.802214	810.2205	15,233.94
	AF Int'l	22.179847	229.0633	5,080.59
	FT Glb Inc Sec	11.539587	444.8677	5,133.59
	FT Grwth Sec	17.518656	555.9924	9,740.24
	LVIP Del Bond	10.166929	1104.9276	11,233.72
	LVIP Mon It Va	15.244638	652.2313	9,943.03
	LVIP S&P 500	11.551355	856.6190	9,895.11
	LVIP Wish Mo P	12.079129	1170.0678	14,133.40
	LVIP Wish MAgP	12.637375	794.9444	10,046.01
	MFS Total Rtn	11.454695	430.2323	4,928.18
Total				\$ 100,523.29

Of Interest to You

You can access important contract information, including your current account balance and interest rate, by registering for our Internet Service Center at www.LFG.com. Registered users can also view or print statements and confirmations from our web site.

Notifications

- This confirmation is prepared by The Lincoln National Life Insurance Company or one of its Life Insurance company affiliates pursuant to its agreement with the principal underwriter of the insurance securities described herein, for the benefit of the selling broker dealer.
- Notify Lincoln promptly if information contained in this document is not accurate. Please feel free to re-confirm any oral communication in writing to further protect your rights.
- The term "Interest Adjustment" may be referred to as "Market Value Adjustment" in the contract.

PO Box 7866
Fort Wayne IN 46801-7866

**Annuity
Confirmation
8/8/07**

#BWNGYCG

000466 21122103

MARILYN BLOCH

14545 MILITARY TRL STES

DELRAY BEACH FL 33484-3781

Owner: Marilyn Bloch

Annuitant: Marilyn Bloch

Assurance (L Share): 92-4144877

Contract effective date: 12/18/06

Plan type: Non-Qualified

Representative: Teresa Dilozenzo

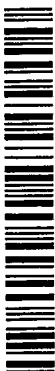
Broker/Dealer: LINSICO/PRIVATE LEDGER CO
DELR

If you have questions regarding this
statement, please call Lincoln Life at
888-868-2583.

Activity

Date	Type of activity	Unit value	Number of units	Amount
8/8/07	Contract option change			\$ 100,523.29
	From:			
	AC Infltn Prot	10.207988	- 505.0434	- 5,155.48
	AF Growth	20.913278	- 728.4340	- 15,233.94
	AF Int'l	25.469966	- 199.4736	- 5,080.59
	FT Glb Inc Sec	11.316234	- 453.6485	- 5,133.59
	FT Grwth Sec	19.843045	- 490.8644	- 9,740.24
	LVIP Del Bond	10.323040	- 1088.2185	- 11,233.72
	LVIP Mon It Va	22.752650	- 437.0055	- 9,943.03
	LVIP S&P 500	11.327083	- 873.5801	- 9,895.11
	LVIP Wish Mo P	11.845283	- 1193.1672	- 14,133.40
	LVIP Wish MAgP	12.392755	- 810.6361	- 10,046.01
	MFS Total Rtrn	14.168513	- 347.8262	- 4,928.18
	To:			
	AC Infltn Prot	10.505999	490.7177	5,155.48
	AF Growth	18.802214	810.2205	15,233.94
	AF Int'l	22.179847	229.0633	5,080.59
	FT Glb Inc Sec	11.539587	444.8677	5,133.59
	FT Grwth Sec	17.518656	555.9924	9,740.24
	LVIP Del Bond	10.166929	1104.9276	11,233.72
	LVIP Mon It Va	15.244638	652.2313	9,943.03
	LVIP S&P 500	11.551355	856.6190	9,895.11
	LVIP Wish Mo P	12.079129	1170.0678	14,133.40
	LVIP Wish MAgP	12.637375	794.9444	10,046.01
	MFS Total Rtrn	11.454695	430.2323	4,928.18

MS*21122103 000466 01 000000 VTXLNMZ



Hi, Marilyn | Available | Sign Out | Yahoo! | My Yahoo! | Search | Web Search

Check Mail | **New** | What's New | Inbox 680 emails | Search: "alb@bluestone" | Mobile | Options | Help

alb@bluestonelaw | Go | Delete | Reply | Forward | Spam | Move | Actions | Show: All Emails | Narrow Results

670 Click for your Credit Score \$0

Inbox (61)
 Drafts (62)
 Sent
 Spam (502) Empty
 Trash Empty
 Contacts Add
 0 online
 Folders Add

Applications
 Attach Large Files
 Automatic Organizer
 Calendar
 Edit Photos
 Evite
 Flickr
 My Drive

14 emails were found matching your search

From	Subject	Date	Location
Marilyn Bloch	[No Subject]	Wed, 11/25/09 3:47 PM	Sent
you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch			
alb@bluestonelawfirm.com	Re:	Wed, 11/25/09 4:19 PM	Inbox
No news -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone Subject: Sent: Nov 25, 2009 3:47 PM you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch Sent from my Verizon ...			
Marilyn Bloch	Re:	Wed, 11/25/09 4:45 PM	Sent
I guess there is no use calling you anymore and that 7500 is final offer. marilyn bloch alb@bluestonelawfirm.com wrote: No news -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone Subject: Sent: Nov 25, 2009 ...			
Andrew Lavoott Bluestone	Re: Re:	Wed, 11/25/09 4:57 PM	Inbox
... phone calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: I guess there is no use calling you anymore and that 7500 is final ...			
Marilyn Bloch	Re: Re:	Wed, 11/25/09 5:00 PM	Sent
... calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: I guess there is no use calling you anymore and that 7500 is final ...			
Marilyn Bloch	Re: Re:	Mon, 11/30/09 11:38 AM	Sent
... calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: I guess there is no use calling you anymore and that 7500 is final ...			

TODAY: 7/7

Re: Re:

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

since you called me i have not heard from furman and i would like to return to nursing school at 987 per month as i cannot get a pell grant as i have a b.a. the govt does not want two ba degrees. so anything you could do with furman would e greatly appreciated towards my expensive tuition. m bloch

On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

[illegible]

[No Subject]

Wed, November 25, 2009 3:47:48 PM

From: Marilyn Bloch <marilynblloch195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch

Re: Re:

Tue, December 1, 2009 9:34:23 AM

From: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com> Add to Contacts
To: Marilyn Bloch <marilynbloch195039@yahoo.com>

I was unable to speak with dukete and left message

-----Original Message-----

From: Marilyn Bloch
To: Andrew Bluestone
Subject: Re: Re:
Sent: Dec 1, 2009 9:20 AM

you said you would call furman on monday but you never told me the results of your call. marilyn bloch

Andrew Lavcott Bluestone wrote:

> They did not answer phone calls today. I'll try again on Monday

> ----- Original Message -----

> From: "Marilyn Bloch" <marilynbloch195039@yahoo.com>

> To: <alb@bluestonelawfirm.com>

> Sent: Wednesday, November 25, 2009 4:45 PM

> Subject: Re:

>> i guess there is no use calling you anymore and that 7500 is final offer.

>> marilyn bloch

>>

>> alb@bluestonelawfirm.com wrote:

>>> No news

>>> -----Original Message-----

>>> From: Marilyn Bloch

>>> To: Andrew Bluestone

>>> Subject:

>>> Sent: Nov 25, 2009 3:47 PM

>>> you said to get in touch with you regarding furman, komfeld, brennan. if

>>> you have any news let me know. marilyn bloch

>>>

>>> Sent from my Verizon Wireless BlackBerry

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Sent from my Verizon Wireless BlackBerry

Re: Re:

Wed, December 2, 2009 4:02:02 PM

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
 To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

i received your message and any thing you could do to settle this case would be greatly appreciated. thank you. marilyn bloch

alb@bluestonelawfirm.com wrote:

> I was unable to speak with dukete and left message

> -----Original Message-----

> From: Marilyn Bloch

> To: Andrew Bluestone

> Subject: Re: Re:

> Sent: Dec 1, 2009 9:20 AM

>

> you said you would call furman on monday but you never told me the results of your call. marilyn bloch

>

> Andrew Lavoott Bluestone wrote:

>> They did not answer phone calls today. I'll try again on Monday

>> ----- Original Message -----

>> From: "Marilyn Bloch" <marilynbloch195039@yahoo.com>

>> To: <alb@bluestonelawfirm.com>

>> Sent: Wednesday, November 25, 2009 4:45 PM

>> Subject: Re:

>>> i guess there is no use calling you anymore and that 7500 is final offer.

>>> marilyn bloch

>>>

>>> alb@bluestonelawfirm.com wrote:

>>>> No news

>>>> -----Original Message-----

>>>> From: Marilyn Bloch

>>>> To: Andrew Bluestone

>>>> Subject:

>>>> Sent: Nov 25, 2009 3:47 PM

>>>> you said to get in touch with you regarding furman, kornfeld, brennan. if

>>>> you have any news let me know. marilyn bloch

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>>>> Sent from my Verizon Wireless BlackBerry

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> Sent from my Verizon Wireless BlackBerry

7/7/2010

[No Subject]

Wed, November 25, 2009 3:47:49 PM

From: Marilyn Bloch <marilyn.bloch195039@yahoo.com> View Contact
To: "alb@bluestonlawfirm.com" <alb@bluestonlawfirm.com>

you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch

Re: Re:

From: Marilyn Bloch <marilynblotch195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

Tue, January 12, 2010 4:37:47 PM

i have not heard from mr. furman since you left your message to me in december. marilyn bloch

On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

>I was unable to speak with dukete and left message

>-----Original Message-----

>From: Marilyn Bloch

>To: Andrew Bluestone

>Subject: Re: Re:

>Sent: Dec 1, 2009 9:20 AM

>

>you said you would call furman on monday but you never told me the results of your call. marilyn bloch

>

>Andrew Lavooott Bluestone wrote:

>> They did not answer phone calls today. I'll try again on Monday

>> ----- Original Message -----

>> From: "Marilyn Bloch" <marilynblotch195039@yahoo.com>

>> To: <alb@bluestonelawfirm.com>

>> Sent: Wednesday, November 25, 2009 4:45 PM

>> Subject: Re:

>>>i guess there is no use calling you anymore and that 7500 is final offer.

>>>marilyn bloch

>>>

>>> alb@bluestonelawfirm.com wrote:

>>>> No news

>>>> -----Original Message-----

>>>> From: Marilyn Bloch

>>>> To: Andrew Bluestone

>>>> Subject:

>>>> Sent: Nov 25, 2009 3:47 PM

>>>> you said to get in touch with you regarding furman, kornfeld, brennan. if

>>>> you have any news let me know. marilyn bloch

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>>>> Sent from my Verizon Wireless BlackBerry

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>Sent from my Verizon Wireless BlackBerry

Fri, November 20, 2009 1:00:17 PM

[No Subject]

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "alb@bluestonelawservices.com" <alb@bluestonelawservices.com>

i am willing to retain your services for 20 percent fee in the matter of bloch v. koemer before judge alvin hellerstein. please fax retainer agreements.
marilynbloch195039@yahoo.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CIV 6210

MARILYN BLOCH,

Plaintiff,

ORDER

-against-

ANDREW BLUESTONE, ESQ.,

Defendants.

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff, presently residing in Pembroke Pines, Florida, brings this *pro se* diversity action under 28 U.S.C. § 1332. Plaintiff alleges that Defendants Andrew Bluestone committed legal malpractice by negligently representing her. The Court grants Plaintiff's request to proceed *in forma pauperis* and directs the Clerk of Court to assign a docket number to this Complaint. The Court further directs Plaintiff to submit an Amended Complaint within sixty (60) days of the date of this Order as detailed below.

DISCUSSION

Diversity Jurisdiction

Plaintiff brings this action alleging diversity jurisdiction pursuant to 28 U.S.C. § 1332. In order to invoke diversity jurisdiction, the citizenship of all plaintiffs must be diverse from that of all defendants. Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806); 28 U.S.C. § 1332(a); Cresswell v. Sullivan & Cromwell, 922 F.2d 60, 68 (2d Cir. 1990). Diversity must be complete; in other words, "no plaintiff and no defendant [may be] citizens of the same State." Wisconsin Dep't of Corr. v. Schacht, 524 U.S. 381, 388 (1998). In addition, plaintiff must allege to a "reasonable probability" that the claim is in excess of the sum or value of \$75,000.00, the statutory jurisdictional amount. Colavito v. New York Organ Donor Network, Inc., 438 F.3d 214, 221 (2d Cir. 2006) (citation and internal quotation marks omitted).

Plaintiff's allegations, that she resides in Pembroke Pines, Florida, and that Defendant's

legal office is located in New York City, indicate that she and Defendant are citizens of different states. It is unclear, however, whether plaintiff's amount in controversy exceeds \$75,000. "A party invoking the jurisdiction of the federal court has the burden of proving that it appears to a 'reasonable probability' that the claim is in excess of the statutory jurisdictional amount." Chase Manhattan Bank v. American National Bank and Trust Company of Chicago, 93 F.3d 1064, 1070 (2d Cir. 1996) (quoting Tongkook America, Inc. v. Shipton Sportswear Co., 14 F.3d 781, 784 (2d Cir. 1994)). The sum claimed by plaintiff will control if it is made in good faith. St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 288-89 (1938). It is the Court's duty, however, to dismiss an action where it is "convinced to a legal certainty that the plaintiff cannot recover an amount in excess of the [minimum statutory jurisdictional amount.]" Tongkook America, Inc., 14 F.3d at 784 (quoting Deutsch v. Hewes St. Realty Corp., 359 F.2d 96, 98 (2d Cir. 1966)) (alteration in original, internal quotation marks omitted). Nevertheless, the Second Circuit has cautioned that a party should be afforded an "appropriate and reasonable opportunity to show good faith in believing that a recovery in excess of [the jurisdictional amount] is reasonably possible." Chase Manhattan Bank, 93 F.3d at 1070 (quoting A.F.A. Tours, Inc. v. Whitchurch, 937 F.3d 82, 88 (2d Cir. 1991))

Plaintiff seeks to recoup more than \$3,500,000 in damages. But she fails to allege facts that support this claim. Therefore, plaintiff must amend her complaint to establish that her actual damages is an amount in excess of the \$75,000 jurisdictional threshold.

Leave to Amend

Plaintiff is hereby directed to file an Amended Complaint containing the information specified above.¹ The Amended Complaint must be submitted to this Court's *Pro Se* Office within sixty (60) days of the date of this Order, be captioned as an "AMENDED COMPLAINT," and bear the same docket number as this Order. Plaintiff's Amended Complaint will completely

¹ An Amended Complaint form is attached to this Order for Plaintiff's convenience. Plaintiff should complete the entire form with the information specified above and return it to the Court's *Pro Se* Office within sixty (60) days from the date of this Order.

replace, not supplement, her original Complaint. No summons will issue at this time, and all further proceedings will be stayed for sixty (60) days or until Plaintiff has complied with this Order. Once submitted, the Amended Complaint will be reviewed for substantive sufficiency and then, if proper, will be reassigned to a district judge in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply within the time allowed or show good cause why she cannot comply, the Complaint will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:


LORETTA A. PRESKA
Chief United States District Judge

Dated: **AUG 18 2010**
New York, New York